

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANDREW RIGGLE,

Plaintiff,

vs.

ZESTO SHOPPE, CHRISTOPHER
MINTURN, AND DOES 1-5,

Defendants.

8:15-CV-410

MEMORANDUM AND ORDER

This matter is before the Court on its own motion, pursuant to the Court's Order to Show Cause of August 23, 2016 ([filing 13](#)). The Court finds that cause has not been shown, and will dismiss the plaintiff's complaint.

The Court has repeatedly tried to explain to the plaintiff why his service of process is insufficient. *See*, [filing 10](#); [filing 12](#); [filing 13](#). But the plaintiff's response to the most recent order to show cause provided the Court with nothing new: the plaintiff has only shown that his complaint was served on an LLC in Wahoo, Nebraska that has registered the "Zesto" trademark. *See* [filing 14-1](#). If this was a trademark case, perhaps that would be helpful. But this is not a trademark case: the Wahoo entity's registration of the mark does not show that it is responsible for the "Zesto Shoppe" in Omaha that the plaintiff is trying to sue, and it says even less about whether Christopher Minturn can be found there. *See* [filing 12](#).

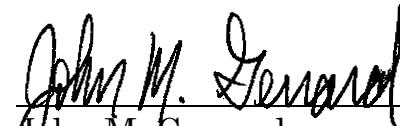
This case was filed nearly 11 months ago, and the plaintiff has—despite multiple orders to show cause, containing clear direction from the Court—failed to show effective service of process on the actual defendants he is trying to sue. The Court will dismiss the plaintiff's complaint, without prejudice, pursuant to [Fed. R. Civ. P. 4\(m\)](#).

IT IS ORDERED:

1. The plaintiff's complaint is dismissed without prejudice pursuant to [Fed. R. Civ. P. 4\(m\)](#).
2. A separate judgment will be entered.

Dated this 3rd day of October, 2016.

BY THE COURT:



John M. Gerrard
United States District Judge